

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

FILED
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Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
43B-0538-R-2021
Lambert, Kathryn
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MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANT: Big Sky Moonrise LLC

OBJECTOR: Big Sky Moonrise LLC

CASE 43B-0538-R-2021

43B 192708-00

43B 192709-00

43B 192710-00

43B 194732-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

Big Sky Moonrise LLC objected to claims 43B 192708-00 and 43B 192709-00.

Claims 43B 192709-00 and 43B 192710-00 each appeared in the Preliminary Decree with the following issue remark:

THIS CLAIM PRESENTS ISSUES OF LAW AND FACT THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 11.5 ACRES ARE ACTUALLY IRRIGATED AT THIS TIME.

Claim 43B 194732-00 appeared in the Preliminary Decree with the following issue remark:

THE LEGAL LAND DESCRIPTION FOR POINTS OF DIVERSION NO. 1 THROUGH 19 COULD NOT BE REFINED FROM INFORMATION IN THE FILE. THE CLAIMED POINTS OF DIVERSION CANNOT BE CONFIRMED.

On May 16, 2022 the claimant filed a Notice Of Filing Evidence To Resolve Objections And Issue Remarks [“May 16, 2022 Notice”]. On August 8, 2022 the Order Setting Filing Deadline was issued identifying some needed additional information. On November 1, 2022 the claimant filed a Notice Of Filing Evidence And Motion To Resolve Issue Remark On Water Right Claim 43B 194732-00 [“November 1, 2022 Notice”] and the Foundational Affidavit Of Attorney Jeremy A. Michael In Support Of Big Sky Moonrise LLC’s Notice Of Filing Evidence And Motion To Resolve Issue Remark On Water Right Claim 43B 194732-00 [“Michael Affidavit”]. These settlement documents are viewable in the Court’s FullCourt Enterprise case management system.

APPLICABLE LAW

“All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section.” Section 85-2-248(2), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For claim 43B 192708-00, the Preliminary Decree states that the point of diversion legal description is the SWNWNE section 32, T6S, R8E, PARK and includes the following notice remark:

POINT OF DIVERSION AND DITCH NAME WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The objection and the Notice Of Filing Evidence state that the DNRC standardization of the point of diversion legal description is based on the wrong Blakeslee Ditch. The Notice Of Filing Evidence includes the following on pages 4 and 5:

The point of diversion for both water right claims 438 192708-00 and 438 192709-00 is the same and was modified by DNRC to the SWNWNE of Section 32, T6S, R8E, Park County. The ditch claimed under these water rights is one of the Blakeslee Ditches. On the Park County Water Resources Survey, published December, 1951 ("WRS"), there are six Blakeslee Ditches shown in T6S, R8E, Park County, with two originating in Section 32, T6S, R8E, Park County. See Exhibit B, 1951 Park County Water Resources Survey map. The southern most of these two ditches is located in the SENW of Section 32, T6S, R8E, Park County. Id. The SWNWNE of Section 32, T6S, R8E, Park County legal land description appears to correspond to the other Blakeslee Ditch in Section 32. Id. It appears that DNRC was attempting to clarify this location when it modified the point of diversion to the SWNWNE of Section 32, T6S, R8E, Park County. However, this legal land description does not accurately reflect the location of the headgate for water right claims 43B 192708-00 and 43B 192709-00.

Big Sky Moonrise's ranch manager, Becky Hall, took GPS coordinates at the location of the headgate used for water right claims 43B 192708-00 and 43B 192709-00. See Exhibit C, Affidavit of Becky Hall, dated April 26, 2022. Those GPS coordinates are: Latitude 45.2722, Longitude 110.7747. These GPS coordinates correspond with an aliquot legal land description of the SENW, Section 32, T6S, R8E, Park County. Therefore, based on the GPS coordinates taken by Becky Hall and the location of the southernmost Blakeslee Ditch shown on the 1951 WRS map, a legal land description of the SENW, Section 32, T6S, R8E, Park County more accurately describes the location of the headgate associated with water right claims 43B 192708-00 and 43B 192709-00.

The point of diversion legal description should be the SENW section 32, T6S, R8E, PARK. The point of diversion/ditch name notice remark should be removed as having served its notice purpose.

The Preliminary Decree also includes the following remark:

ALTHOUGH NOT OBJECTED TO, THE PLACE OF USE WAS CHANGED TO REFLECT THE INCREASE IN MAXIMUM ACRES IRRIGATED.

This remark should be removed as having served its notice purpose.

2. For claim 43B 192709-00, the Preliminary Decree states that the point of diversion legal description is the SWNWNE section 32, T6S, R8E, PARK and includes the following remark:

POINT OF DIVERSION AND DITCH NAME WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

For the same reasons cited in Finding of Fact 1, the legal description should be the SENW section 32, T6S, R8E, PARK and the point of diversion/ditch name remark should be removed as having served its notice purpose.

The Preliminary Decree states that the maximum acres irrigated is 50.00 acres. The issue remark does not identify the resource used which provides the basis for the remark. The issue remark was added to the abstract of claim in 1984, apparently based on the 1979 aerial photograph 179-214 per notes added to the verification worksheet. The Notice Of Filing Evidence includes the following information and argument on pages 9 and 10:

As the claimed field is irrigated pasture, it will not appear on aerial photographs with a distinct field boundary in the same manner as a cropped irrigated field would. This explains in part why DNRC interpreted USDA Aerial Photo No. 179-214 as showing fewer acres than were claimed. Additionally, the time of year that USDA Aerial Photo No. 179-214 was taken (mid-September) can account for why DNRC added the issue remark, noting it appeared that 11.5 acres were irrigated, because water may not always be available at that time of year. See Exhibit D.

* * * *

Finally, counsel for Big Sky Moonrise researched additional USGS Aerial Photos, but was only able to find aerial photos that were dated as follows: 1983-09-25, 1979-09-12, 1976-09-10, and 1949-09-01. These aerial photos did not show the claimed place of use earlier in the irrigation season, but rather later in September (like USDA Aerial Photo No. 179-214), and therefore, are not helpful in depicting the irrigated pasture under water right claim 438 192709-00.

As argued, an aerial photograph taken in the fall may not be sufficient to challenge the number of acres irrigated in a pasture. The issue remark should be removed. The maximum acres irrigated should not be changed.

3. For claim 43B 192710-00, the maximum acres is 42.00 acres. Based on the same analysis in Finding of Fact 2, the maximum acres irrigated issue remark should be removed and there should be no change to the maximum acres irrigated.

The Preliminary Decree also includes the following remark:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

Paragraph 3 of the May 16, 2022 Notice concerns this claim, 43B 192710-00. Subparagraph b

refers to claim 43B 192708-00 rather than 43B 192710-00. The Proposed Abstract for this claim does not include any change to the point of diversion. As there is no objection to the point of diversion of claim 43B 192710-00, this appears to be a drafting error and is therefore disregarded. This remark should be removed as having served its notice purpose.

4. For claim 43B 194732-00, the Preliminary Decree states that the point of diversion and means of diversion are:

	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>	
1	SWNWNE	32	6S	8E	PARK	HEADGATE
2	SWNWNE	32	6S	8E	PARK	HEADGATE
3	NESENW	32	6S	8E	PARK	HEADGATE
4	NESENW	32	6S	8E	PARK	HEADGATE
5	SWSENW	32	6S	8E	PARK	HEADGATE
6	NWNESW	32	6S	8E	PARK	HEADGATE
7	NWNESW	32	6S	8E	PARK	HEADGATE
8	SWNESW	32	6S	8E	PARK	HEADGATE
9	SWNESW	32	6S	8E	PARK	HEADGATE
10	SWNESW	32	6S	8E	PARK	HEADGATE
11	NENWSW	32	6S	8E	PARK	HEADGATE
12	NWSESW	32	6S	8E	PARK	HEADGATE
13	NWSESW	32	6S	8E	PARK	HEADGATE
14	NWSENW	9	7S	8E	PARK	HEADGATE
15	NWNWSE	9	7S	8E	PARK	HEADGATE
16	SENWSE	9	7S	8E	PARK	HEADGATE
17	SWNWSE	9	7S	8E	PARK	HEADGATE
18	SWNWSE	9	7S	8E	PARK	HEADGATE
19	NWSWSE	9	7S	8E	PARK	HEADGATE

Page 4 of the November 1, 2022 Notice provides the following information:

Based on the claim file materials, additional research, and evidence attached herein, the point of diversion legal land descriptions for water right claim 438 194732-00 should be corrected to cover the portions of Sixmile Placer, Montana Bar Placer, and Egyptian Placer mining claim patents located in Sections 4, 5, and 9, T7S, R8E, Park County, and Section 32, T6S, R8E, Park County on Big Sky Moonrise property. Additionally, the means of diversion for water right claim 438 194732-00 should be corrected to reflect one headgate location with the remaining portions of the Sixmile Placer, Montana Bar Placer, and Egyptian Placer mining claim patents in Sections 4, 5, and 9, T7S, R8E, Park County, and Section 32, T6S, R8E, Park County on Big Sky Moonrise property having a means of diversion designation of "multiple" to reflect instream panning, bucket, pipeline, and sluicing diversions for Placer mining use.

The additional supporting documents and rationale provided in the November 1, 2022 Notice

and in the Michael Affidavit support this summary as well as the specified changes to the point of diversion and means of diversion. The point of diversion and means of diversion should be:

	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>	
1	W2NWNW	32	6S	8E	PARK	MULTIPLE
2	E2NENW	32	6S	8E	PARK	MULTIPLE
3	SENW	32	6S	8E	PARK	MULTIPLE
4	SESWNW	32	6S	8E	PARK	MULTIPLE
5	NENWSW	32	6S	8E	PARK	MULTIPLE
6	NESW	32	6S	8E	PARK	MULTIPLE
7	SESW	32	6S	8E	PARK	MULTIPLE
8	W2SWSE	32	6S	8E	PARK	MULTIPLE
9	NESESE	9	7S	8E	PARK	HEADGATE
10	SESE	9	7S	8E	PARK	MULTIPLE
11	N2SWSE	9	7S	8E	PARK	MULTIPLE
12	NWSE	9	7S	8E	PARK	MULTIPLE
13	NENESW	9	7S	8E	PARK	MULTIPLE
14	SENW	9	7S	8E	PARK	MULTIPLE
15	SWNENW	9	7S	8E	PARK	MULTIPLE
16	NWNW	9	7S	8E	PARK	MULTIPLE
17	SWSWSW	4	7S	8E	PARK	MULTIPLE
18	NENENW	5	7S	8E	PARK	MULTIPLE

THE MULTIPLE MEANS OF DIVERSION INCLUDE INSTREAM PANNING, BUCKET, PIPELINE, AND SLUICING DIVERSIONS FOR PLACER MINING USE.

The point of diversion issue remark should be removed as addressed and resolved.

As requested, the following clarification remark should also be added: THE POINTS OF DIVERSION AND PLACES OF USE ARE LOCATED ENTIRELY ON PRIVATE LAND WITHIN THE SIX MILE PLACER #8838, MONTANA BAR PLACER #8838, AND EGYPTIAN PLACE #8838.

The Preliminary Decree also includes the following remarks:

THE TIMELY FILED OBJECTION OF THE DEPARTMENT OF FISH, WILDLIFE AND PARKS WAS AMENDED BY THE DEPARTMENT OF FISH, WILDLIFE AND PARKS TO INCLUDE PLACE OF USE AND POINT OF DIVERSION BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON SIXMILE CREEK WITH A PRIORITY DATE 10/06/1890 CASE NO 2112, PARK COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

The first remark provides notice of these changes made during the Temporary Preliminary

Decree proceedings. The second remark provides notice of a possible issue; however, no objection to the priority date and type of historical right was filed. The remarks do not raise unresolved issues which need to be addressed. There are no proceedings required for these remarks. The remarks should be removed as having served their notice purposes.

CONCLUSION OF LAW

The settlement filed by the claimant is sufficient to contradict and overcome the prima facie claims and to resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service Via Email:

Jeremy A. Michael
Cusick, Farve, Mattick & Refling, P.C.
PO Box 1288
Bozeman, MT 59771-1288
(406) 587-5511
(406) 587-9079 (Fax)
office@cmrlawmt.com

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192708-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: BIG SKY MOONRISE LLC
% COUCH, DAVID
5826 SAMET DR
HIGH POINT, NC 27265 3660

Priority Date: AUGUST 1, 1912

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 336.60 GPM

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 47.50

Source Name: SIXMILE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	NW	32	6S	8E PARK
Period of Diversion:	MAY 1 TO SEPTEMBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	BLAKESLEE DITCH					
Period of Use:	MAY 1 TO SEPTEMBER 15					

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	47.50		NW	32	6S	8E	PARK
Total:	47.50						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192709-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: BIG SKY MOONRISE LLC
% COUCH, DAVID
5826 SAMET DR
HIGH POINT, NC 27265 3660

Priority Date: AUGUST 1, 1912

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 50.00

Source Name: SIXMILE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SEnw	32	6S	8E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: BLAKESLEE DITCH

Period of Use: MAY 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00	3	NENw	32	6S	8E	PARK
2	30.00	4	NWNw	32	6S	8E	PARK
Total:	50.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192709-00 192710-00

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION, PURPOSE OF USE. ISSUED 03/07/2001. NOTICE OF COMPLETION DUE 12/31/2002. SEE 43B 192708-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192710-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: BIG SKY MOONRISE LLC
% COUCH, DAVID
5826 SAMET DR
HIGH POINT, NC 27265 3660

Priority Date: MAY 1, 1913

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 42.00

Source Name: SIXMILE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSNW	32	6S	8E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BLAKESLEE DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		NENENW	32	6S	8E	PARK
2	7.50		SWNENW	32	6S	8E	PARK
3	4.50		SENENW	32	6S	8E	PARK
4	1.50		NENWNW	32	6S	8E	PARK
5	9.00		NWNWNW	32	6S	8E	PARK
6	8.00		SWNWNW	32	6S	8E	PARK
7	5.50		SENWNW	32	6S	8E	PARK
Total:	42.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192709-00

192710-00

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION, PURPOSE OF USE. ISSUED 03/07/2001. NOTICE OF COMPLETION DUE 12/31/2002. SEE 43B 192708-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 194732-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BIG SKY MOONRISE LLC
% COUCH, DAVID
5826 SAMET DR
HIGH POINT, NC 27265 3660

Priority Date: OCTOBER 6, 1890

Type of Historical Right: FILED

Purpose (use): MINING

***Flow Rate:** 2.50 CFS

***Volume:** THIS WATER RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.
THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON- CONSUMPTIVE

***Source Name:** SIXMILE CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2NWNE	32	6S	8E	PARK
*Period of Diversion: APRIL 1 TO DECEMBER 15						
Diversion Means: MULTIPLE						
2		E2NENW	32	6S	8E	PARK
*Period of Diversion: APRIL 1 TO DECEMBER 15						
Diversion Means: MULTIPLE						
3		SENW	32	6S	8E	PARK
*Period of Diversion: APRIL 1 TO DECEMBER 15						
Diversion Means: MULTIPLE						
4		SESWNW	32	6S	8E	PARK
*Period of Diversion: APRIL 1 TO DECEMBER 15						
Diversion Means: MULTIPLE						
5		NENWSW	32	6S	8E	PARK
*Period of Diversion: APRIL 1 TO DECEMBER 15						
Diversion Means: MULTIPLE						
6		NESW	32	6S	8E	PARK
*Period of Diversion: APRIL 1 TO DECEMBER 15						
Diversion Means: MULTIPLE						
7		SESW	32	6S	8E	PARK

*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
8	W2SWSE	32	6S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
9	NESESE	9	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	HEADGATE					
10	SESE	9	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
11	N2SWSE	9	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
12	NWSE	9	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
13	NENESW	9	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
14	SENW	9	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
15	SWNENW	9	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
16	NWNW	9	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
17	SWSWSW	4	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					
18	NENENW	5	7S	8E	PARK	
*Period of Diversion:	APRIL 1 TO DECEMBER 15					
Diversion Means:	MULTIPLE					

THE MULTIPLE MEANS OF DIVERSION INCLUDE INSTREAM PANNING, BUCKET, PIPELINE, AND SLUICING DIVERSIONS FOR PLACER MINING.

***Period of Use:** APRIL 1 TO DECEMBER 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNWNE	32	6S	8E	PARK
2			SWNWNE	32	6S	8E	PARK
3			NWSWNE	32	6S	8E	PARK

4	NENENW	32	6S	8E	PARK
5	SENENW	32	6S	8E	PARK
6	NESENW	32	6S	8E	PARK
7	NWSENW	32	6S	8E	PARK
8	SESENW	32	6S	8E	PARK
9	SWSENW	32	6S	8E	PARK
10	NWSWSE	32	6S	8E	PARK
11	SWSWSE	32	6S	8E	PARK
12	NWNESW	32	6S	8E	PARK
13	SENESEW	32	6S	8E	PARK
14	SWNESEW	32	6S	8E	PARK
15	NENWSW	32	6S	8E	PARK
16	NESESW	32	6S	8E	PARK
17	NWSESW	32	6S	8E	PARK
18	SESESW	32	6S	8E	PARK
19	SWSESW	32	6S	8E	PARK
20	SWSWSW	4	7S	8E	PARK
21	NENENW	5	7S	8E	PARK
22	NWNENW	5	7S	8E	PARK
23	NENENE	8	7S	8E	PARK
24	SWSWNE	9	7S	8E	PARK
25	SWNENW	9	7S	8E	PARK
26	NENWNW	9	7S	8E	PARK
27	NWNWNW	9	7S	8E	PARK
28	SENWNW	9	7S	8E	PARK
29	SWNWNW	9	7S	8E	PARK

Remarks:

THE POINTS OF DIVERSION AND PLACES OF USE ARE LOCATED ENTIRLEY ON PRIVATE LAND WITHIN THE SIX MILE PLACER #8838, MONTANA BAR PLACER #8838, AND EGYPTIAN PLACER #8838.